

“(2) MINIMUM PAYMENT.—

“(A) IN GENERAL.—No State that is 1 of the 50 States shall receive a payment under this section for fiscal year 2021 that is less than \$2,927,000,000.

“(B) PRO RATA ADJUSTMENTS.—The Secretary shall adjust on a pro rata basis the amount of the payments for each of the 50 States determined under this subsection without regard to this subparagraph to the extent necessary to comply with the requirements of subparagraph (A).

“(3) RELATIVE POPULATION PROPORTION AMOUNT.—For purposes of paragraph (1), the relative population proportion amount determined under this paragraph for a State for fiscal year 2021 is the product of—

“(A) the amount appropriated under paragraph (1) of subsection (a) for fiscal year 2021 that remains after the application of paragraph (2) of that subsection; and

“(B) the relative State population proportion (as defined in paragraph (4)).

“(4) RELATIVE STATE POPULATION PROPORTION DEFINED.—For purposes of paragraph (3)(B), the term ‘relative State population proportion’ means, with respect to a State, the quotient of—

“(A) the population of the State; and

“(B) the total population of all States (excluding the District of Columbia and territories specified in subsection (a)(2)(A)).

“(5) DISTRICT OF COLUMBIA AND TERRITORIES.—The amount paid under this section for fiscal year 2021 to a State that is the District of Columbia or a territory specified in subsection (a)(2)(A) shall be the amount equal to the product of—

“(A) the amount set aside under subsection (a)(2)(A) for such fiscal year; and

“(B) each such District’s and territory’s share of the combined total population of the District of Columbia and all such territories, as determined by the Secretary.

“(6) TRIBAL GOVERNMENTS.—From the amount set aside under subsection (a)(2)(B) for fiscal year 2021, the amount paid under this section for fiscal year 2021 to a Tribal government shall be the amount the Secretary shall determine, in consultation with the Secretary of the Interior and Indian Tribes, that is based on increased expenditures of each such Tribal government (or a tribally-owned entity of such Tribal government) relative to aggregate expenditures in fiscal year 2019 by the Tribal government (or tribally-owned entity) and determined in such manner as the Secretary determines appropriate to ensure that all amounts available under subsection (a)(2)(B) for fiscal year 2021 are distributed to Tribal governments.

“(7) DATA.—For purposes of this subsection, the population of States shall be determined based on the most recent year for which data are available from the Bureau of the Census.

“(d) USE OF FUNDS.—

“(1) IN GENERAL.—Subject to paragraph (2), a State or Tribal government shall use the funds provided under a payment made under this section to cover only those costs of the State or Tribal government that—

“(A) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);

“(B) were not accounted for in the budget most recently approved as of the date of enactment of this section for the State or government; and

“(C) were incurred during the period that begins on March 1, 2020, and ends on December 31, 2022.

“(2) STATE DISTRIBUTIONS TO UNITS OF LOCAL GOVERNMENT.—

“(A) IN GENERAL.—Each State (other than the District of Columbia) shall distribute 45 percent of the amount allocated and paid to

the State under this section to units of local government in the State in accordance with this paragraph.

“(B) MANNER OF DISTRIBUTION.—A State shall allocate the amount that the State is required to distribute among units of local government in the State based on the population of each such unit of local government (as determined by the State) relative to the population of all units of local government in the State.

“(C) APPLICATION OF USES OF FUNDS.—The limitations on the uses of funds described in paragraph (1) shall apply to amounts distributed to a unit of local government under this paragraph in the same manner that such limitations apply to a payment to a State under this subsection.

“(e) INSPECTOR GENERAL OVERSIGHT; RECOUPMENT.—

“(1) OVERSIGHT AUTHORITY.—The Inspector General of the Department of the Treasury shall conduct monitoring and oversight of the receipt, disbursement, and use of funds made available under this section.

“(2) RECOUPMENT.—If the Inspector General of the Department of the Treasury determines that a State, Tribal government, or unit of local government has failed to comply with subsection (d), the amount equal to the amount of funds used in violation of such subsection shall be booked as a debt of such entity owed to the Federal Government. Amounts recovered under this subsection shall be deposited into the general fund of the Treasury.

“(3) FUNDING.—The Inspector General of the Department of the Treasury may use amounts appropriated under section 601(f)(3) to carry out oversight and recoupment activities under this subsection.

“(4) AUTHORITY OF INSPECTOR GENERAL.—Nothing in this subsection shall be construed to diminish the authority of any Inspector General, including such authority as provided in the Inspector General Act of 1978 (5 U.S.C. App.).

“(f) DEFINITIONS.—In this section:

“(1) IN GENERAL.—The terms ‘Indian Tribe’, ‘Secretary’, ‘State’, and ‘Tribal government’ shall have the meaning given such terms in section 601(g).

“(2) UNIT OF LOCAL GOVERNMENT.—The term ‘unit of local government’ means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.”

(b) TECHNICAL AMENDMENT.—The heading for title VI of the Social Security Act (42 U.S.C. 801 et seq.) is amended by striking “FUND” and inserting “AND FISCAL RECOVERY FUNDS”.

**SA 1294.** Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 891 proposed by Mr. SCHUMER (for himself, Mr. WYDEN, Mrs. MURRAY, Mr. BROWN, Mr. PETERS, Mr. CARDIN, Ms. CANTWELL, Ms. STABENOW, Mr. TESTER, Mr. MENENDEZ, Mr. SCHATZ, Mr. CARPER, Mr. LEAHY, and Mr. SANDERS) to the bill H.R. 1319, to provide for reconciliation pursuant to title II of S. Con. 5; which was ordered to lie on the table; as follows:

At the end of section 5005, add the following:

(c) ADDITIONAL SHUTTERED VENUE PROGRAM IMPROVEMENTS.—Section 324(a) of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (title III of division N of Public Law 116-260) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting “a trade show venue operator, a

trade show service provider,” after “a motion picture theatre operator,”;

(ii) in clause (i)—

(I) by inserting “the trade show venue operator, the trade show service provider,” after “the motion picture theatre operator,” each place it appears; and

(II) in subclause (I), by inserting “a trade show venue operator, a trade show service provider,” after “a motion picture theatre operator,”;

(iii) in clause (ii)—

(I) in subclause (III), by striking “or” at the end;

(II) in subclause (IV), by striking the period at the end and inserting a semicolon; and

(III) by adding at the end the following:

“(V) the trade show venue operator is open or intends to reopen for exhibiting trade shows; or

“(VI) the trade show service provider is open or intends to reopen to organize trade shows.”;

(iv) by redesignating clause (vi) as clause (vii);

(v) by inserting after clause (v) the following:

“(vi) The trade show venue operator owns or operates indoor exhibition spaces that are a component of the principal business activity of the trade show venue operator and which have been subjected to occupancy restrictions related to the COVID-19 pandemic.”; and

(vi) in clause (vii), as so redesignated—

(I) by inserting “the trade show venue operator, the trade show service provider,” after “the motion picture theatre operator,” each place it appears; and

(II) in subclause (II), by inserting “trade show venues, trade shows,” after “motion picture theaters,” each place it appears;

(B) in subparagraph (B), in the matter preceding clause (i), by inserting “a trade show venue operator, a trade show service provider,” after “a motion picture theatre operator,”; and

(C) in subparagraph (C), by striking “subparagraph (A)(vi)(II)(cc)” and inserting “subparagraph (A)(vii)(II)(cc)”;

(2) by adding at the end the following:

“(11) TRADE SHOW.—The term ‘trade show’ means a live event at which different businesses within a particular industry promote their products or services.

“(12) TRADE SHOW SERVICE PROVIDER.—The term ‘trade show service provider’ means a person—

“(A) that organizes trade shows; and

“(B) for which not less than 70 percent of the revenue of the person during 2019 is attributable to organizing trade shows.

“(13) TRADE SHOW VENUE OPERATOR.—The term ‘trade show venue operator’ means a person—

“(A) that owns or operates a venue at which trade shows are exhibited; and

“(B) for which not less than 70 percent of the revenue of the person during 2019 is attributable to exhibiting trade shows.”.

**SA 1295.** Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 891 proposed by Mr. SCHUMER (for himself, Mr. WYDEN, Mrs. MURRAY, Mr. BROWN, Mr. PETERS, Mr. CARDIN, Ms. CANTWELL, Ms. STABENOW, Mr. TESTER, Mr. MENENDEZ, Mr. SCHATZ, Mr. CARPER, Mr. LEAHY, and Mr. SANDERS) to the bill H.R. 1319, to provide for reconciliation pursuant to title II of S. Con. Res. 5; which was ordered to lie on the table; as follows:

On page 605, after line 25, insert the following:

**SEC. 9902. MODIFICATION OF INCOME LIMITATIONS FOR 2021 RECOVERY REBATES.**

(a) IN GENERAL.—Subsection (d) of section 6428B of the Internal Revenue Code of 1986, as added by section 9601(a), is amended to read as follows:

“(d) LIMITATION BASED ON ADJUSTED GROSS INCOME.—

“(1) IN GENERAL.—The amount of the credit allowed by subsection (a) (determined without regard to this subsection and subsection (f)) shall be reduced (but not below zero) by the amount which bears the same ratio to such credit (as so determined) as—

“(A) the excess of—

“(i) the taxpayer's adjusted gross income for such taxable year, over

“(ii) \$75,000, bears to

“(B) \$25,000.

“(2) SPECIAL RULES.—

“(A) JOINT RETURN OR SURVIVING SPOUSE.—

In the case of a joint return or a surviving spouse (as defined in section 2(a)), paragraph (1) shall be applied by substituting ‘\$150,000’ for ‘\$75,000’ and ‘\$50,000’ for ‘\$25,000’.

“(B) HEAD OF HOUSEHOLD.—In the case of a head of household (as defined in section 2(b)), paragraph (1) shall be applied by substituting ‘\$112,500’ for ‘\$75,000’ and ‘\$37,500’ for ‘\$25,000’.

(b) OFFSET.—Section 602 of the Social Security Act, as added by section 9901, is amended—

(1) in subsection (a)(1), by striking “\$219,800,000,000” and inserting “\$208,132,000,000”; and

(2) in subsection (b)(3)(A), by striking “\$195,300,000,000” and inserting “\$183,632,000,000”.

**SA 1296.** Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 891 proposed by Mr. SCHUMER (for himself, Mr. WYDEN, Mrs. MURRAY, Mr. BROWN, Mr. PETERS, Mr. CARDIN, Ms. CANTWELL, Ms. STABENOW, Mr. TESTER, Mr. MENENDEZ, Mr. SCHATZ, Mr. CARPER, Mr. LEAHY, and Mr. SANDERS) to the bill H.R. 1319, to provide for reconciliation pursuant to title II of S. Con. Res. 5; which was ordered to lie on the table; as follows:

At the end of subtitle G of title IX, add the following:

**SEC. —. MEDICAL MANUFACTURING ECONOMIC DEVELOPMENT AND SUSTAINABILITY.**

(a) IN GENERAL.—Chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

**“Subchapter AA—Medical Product Manufacturing in Economically Distressed Zones**

“SUBCHAPTER AA—MEDICAL PRODUCT MANUFACTURING IN ECONOMICALLY DISTRESSED ZONES

“Sec. 1400AA-1. Medical product manufacturing in economically distressed zone credit.

“Sec. 1400AA-2. Credit for economically distressed zone products and services acquired by domestic medical product manufacturers.

“Sec. 1400AA-3. Special rules to secure the national supply chain.

“Sec. 1400AA-4. Designation of economically distressed zones.

**“SEC. 1400AA-1. MEDICAL PRODUCT MANUFACTURING IN ECONOMICALLY DISTRESSED ZONE CREDIT.**

“(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by subtitle A for the taxable year an amount equal to 40 percent of the sum of—

“(1) the aggregate amount of the taxpayer's medical product manufacturing eco-

nomically distressed zone wages for such taxable year,

“(2) the allocable employee fringe benefit expenses of the taxpayer for such taxable year, and

“(3) the depreciation and amortization allowances of the taxpayer for the taxable year with respect to qualified medical product manufacturing facility property.

“(b) DENIAL OF DOUBLE BENEFIT.—Any wages or other expenses taken into account in determining the credit under this section may not be taken into account in determining the credit under sections 41, and any other provision determined by the Secretary to be substantially similar.

“(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) ECONOMICALLY DISTRESSED ZONE WAGES.—

“(A) IN GENERAL.—The term ‘economically distressed zone wages’ means amounts paid or incurred for wages during the taxable year which are—

“(i) in connection with the active conduct of a trade or business of the taxpayer, and

“(ii) paid or incurred for an employee the principal place of employment of whom is in a qualified medical product manufacturing facility of such taxpayer.

“(B) LIMITATION ON AMOUNT OF WAGES TAKEN INTO ACCOUNT.—

“(i) IN GENERAL.—The amount of wages which may be taken into account under subparagraph (A) with respect to any employee for any taxable year shall not exceed the contribution and benefit base determined under section 230 of the Social Security Act for the calendar year in which such taxable year begins.

“(ii) TREATMENT OF PART-TIME EMPLOYEES, ETC.—If—

“(I) any employee is not employed by the taxpayer on a substantially full-time basis at all times during the taxable year, or

“(II) the principal place of employment of any employee is not within an economically distressed zone at all times during the taxable year,

the limitation applicable under clause (i) with respect to such employee shall be the appropriate portion (as determined by the Secretary) of the limitation which would otherwise be in effect under clause (i).

“(C) TREATMENT OF CERTAIN EMPLOYEES.—The term ‘economically distressed zone wages’ shall not include any wages paid to employees who are assigned by the employer to perform services for another person, unless the principal trade or business of the employer is to make employees available for temporary periods to other persons in return for compensation.

“(2) ALLOCABLE EMPLOYEE FRINGE BENEFIT EXPENSES.—

“(A) IN GENERAL.—The term ‘allocable employee fringe benefit expenses’ means the aggregate amount allowable as a deduction under this chapter to the taxpayer for the taxable year for the following amounts which are allocable to employment in a qualified medical product manufacturing facility:

“(i) Employer contributions under a stock bonus, pension, profit-sharing, or annuity plan.

“(ii) Employer-provided coverage under any accident or health plan for employees.

“(iii) The cost of life or disability insurance provided to employees.

“(B) ALLOCATION.—For purposes of subparagraph (A), an amount shall be treated as allocable to a qualified medical product manufacturing facility only if such amount is with respect to employment of an individual for services provided, and the principal place of employment of whom is, in such facility.

“(3) QUALIFIED MEDICAL PRODUCT MANUFACTURING FACILITY.—The term ‘qualified medical product manufacturing facility’ means any facility that—

“(A) researches and develops or produces medical products or essential components of medical products, and

“(B) is located within an economically distressed zone.

“(4) QUALIFIED MEDICAL PRODUCT MANUFACTURING FACILITY PROPERTY.—The term ‘qualified medical product manufacturing facility property’ means any property used in (or consisting of) a qualified medical product manufacturing facility if such property is directly connected to the research, development, or production of a medical product.

“(5) MEDICAL PRODUCT; ESSENTIAL COMPONENT.—

“(A) MEDICAL PRODUCT.—The term ‘medical product’ means—

“(i) a drug that—

“(I) is a prescription drug subject to regulation under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or section 351 of the Public Health Service Act (42 U.S.C. 262);

“(II) is subject to regulation under section 802 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 382); or

“(III) is described in section 201(jj) of such Act (21 U.S.C. 321(jj)); or

“(ii) a device, as defined in section 201(h) of such Act (21 U.S.C. 321(h)).

“(B) ESSENTIAL COMPONENT.—The term ‘essential component’ means, with respect to a medical product—

“(i) an active pharmaceutical ingredient; or

“(ii) a protein, antibody, enzyme, hormone, or other organic material that is an active ingredient in a biological product.

“(6) AGGREGATION RULES.—

“(A) IN GENERAL.—For purposes of this section, members of an affiliated group shall be treated as a single taxpayer.

“(B) AFFILIATED GROUP.—The term ‘affiliated group’ means an affiliated group (as defined in section 1504(a), determined without regard to section 1504(b)(3)) one or more members of which are engaged in the active conduct of a trade or business within an economically distressed zone.

**“SEC. 1400AA-2. CREDIT FOR ECONOMICALLY DISTRESSED ZONE PRODUCTS AND SERVICES ACQUIRED BY DOMESTIC MEDICAL PRODUCT MANUFACTURERS.**

“(a) ALLOWANCE OF CREDIT.—In the case of an eligible medical product manufacturer, there shall be allowed as a credit against the tax imposed by subtitle A for the taxable year an amount equal to the applicable percentage of the aggregate amounts paid or incurred by the taxpayer during such taxable year for qualified products or services.

“(b) APPLICABLE PERCENTAGE.—For purposes of this section, the term applicable percentage means—

“(1) 30 percent in the case of amounts paid or incurred to persons not described in paragraph (2) or (3), and

“(2) 5 percent in the case of amounts paid or incurred to a related person.

“(c) ELIGIBLE MEDICAL PRODUCT MANUFACTURER.—For purposes of this section, the term ‘eligible medical product manufacturer’ means any person in the trade or business of producing medical products in the United States.

“(d) QUALIFIED PRODUCT OR SERVICE.—For purposes of this section, the term ‘qualified product or service’ means—

“(1) any product which is produced in an economically distressed zone and which is integrated into a medical product produced by the taxpayer, and

“(2) any service which is provided in an economically distressed zone and which is